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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,163	03/19/2001	Keiji Yuzawa	SONYJP 3.0-147	9368

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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/812,163	Applicant(s) YUZAWA, KEIJI	
	Examiner Jungwon Chang	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. This Action is in response to Amendment filed 11/10/2005, which has been fully considered.
2. Claims 1-24 have been canceled. Claims 25-44 are presented for examination.
3. This Action is FINAL.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 25-44** are rejected under 35 U.S.C. 103(a) as being obvious over Bedard (US 5,801,747) in view of Alexander et al. (US 6,177,931), hereinafter Alexander, and Inoue et al. (US 6,185,360), hereinafter Inoue.
6. Bedard and Alexander were cited by the Examiner in a previous Office Action.
7. As to claims 25 and 35, Bedard discloses the invention substantially as claimed, including a method of transmitting items containing content information to a user terminal (broadcasting; col. 3, lines 4-15), comprising:

providing a user terminal (col. 1, lines 4-6);
transmitting items of information to said user terminal (col. 3, lines 10-13);
at said user terminal, receiving said transmitted items containing content information and assigning access priorities to said received items (viewer preferences; col. 2, lines 5-22);

selecting some of said transmitted items of information on the basis of information representing an access priority for each of said selected items of information representing said access priorities (col. 3, lines 32-62);

selectively storing said selected items in said user terminal (col. 2, lines 23-26; col. 3, lines 38-45);

arranging said stored items of information in an order according to said access priorities (col. 6, lines 23-27); and

storing said selected items in said user terminal (col. 2, lines 23-26; col. 3, lines 38-45).

8. Bedard does not specifically teach storing content information including at least one of moving images or audio sound that the selected item may be reproduced at a user selected time. Alexander teaches storing content information including moving images and audio sound and reproducing the content at a user-selected time for the purpose of viewing recorded content at a time convenient to the user (col. 12, lines 11-43). Alexander further teaches indexing the recorded content in a manner similar to bedard for the purpose of providing convenient user selection (col. 12, lines 22-44).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify Bedard by storing content information including at least one of moving images or sound and reproducing the content at a user-selected time in order to provide for convenient access to recorded content, as taught by Alexander above. In particular, the methods of Bedard would provide a means for organizing the stored and indexed content in a manner which is aligned with the view's preferences (Bedard, col. 2, lines 6-12).

Inoue also teaches storing content information including moving images and audio sound and reproducing the content at a user-selected time for the purpose of viewing recorded content at a time convenient to the user (col. 2, lines 45-50 and 63-65; col. 16, lines 57-67, "the unit time for recording each program can be set at a specific time rate depending on the priority of the two program"; col. 17, line 50 – col. 18, line 6; abstract, "selecting a program preferable for the user"). It would have been obvious to one of ordinary skill in the art at the time the invention to modify Bedard by storing content information including at least one of moving images or sound and reproducing the content at a user-selected time in order to provide for convenient access to recorded content, as taught by Inoue above.

9. As to claims 30 and 40, it is rejected for the same reasons set forth in claims 25 and 35 above. In addition, Bedard teaches a receiver operable to receive items containing content information transmitted to said information receiving apparatus (col.

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1, lines 51-65, "viewer of a given television receiver"; col. 3, lines 4-15, "a television, a view interface...set-top unit"); a controller operable to select some items of said received items, said selected items being selected on a basis of information representing access priorities for respective ones of said selected items (col. 3, lines 32-62); and an information storing unit operable to selectively store said selected items (col. 2, lines 23-26; col. 3, lines 38-45), wherein said controller is further operable to delete at least one of said stored items in an order beginning with said stored item having a lowest one of said access priorities (col. 5, lines 16-33; fig. 3), and to permit a user to select one of said stored items containing content information and to cause said at least one of moving images or audio sound to be reproduced from said user-selected item (col. 1, lines 39-50).

10. As to claims 26, 31, 36 and 41, Bedard discloses wherein said access priority of each said selected item is determined by first processing (col. 4, lines 49-65; col. 7, lines 19-27) including

- i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories,
- ii) transmitting said category attribute information associated with each said transmitted item,
- iii) using said transmitted category attribute information at said user terminal, counting a number of times said transmitted items in each said category are

accessed by a user to obtain count values of said plurality of categories, and
iv) determining said access priorities from said count values (col. 4, lines 49-65;
col. 7, lines 19-27).

11. As to claims 27, 32, 37 and 42, wherein said access priority of each said selected item is determined by second processing (col. 3, lines 33-56) including:

i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities,

ii) transmitting said priority attribute information associated with each said transmitted item, and

iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item.

12. As to claims 28, 33, 38 and 43, wherein said access priority of each said selected item is determined by first processing (col. 4, lines 49-65; col. 7, lines 19-27) including

i) associating with each of said information items category attribute information corresponding to a category assigned to the content information contained in each said information item, said category being one of a plurality of categories,

ii) transmitting said category attribute information associated with each said transmitted item,

iii) using said transmitted category attribute information at said user terminal,

counting a number of times said transmitted items in each said category are accessed by a user to obtain count values of said plurality of categories, and
iv) determining said access priorities from said count values (col. 4, lines 49-65; col. 7, lines 19-27); and by second processing (col. 3, lines 33-56) including:
i) associating with each of said information items priority attribute information corresponding to a priority assigned to the content information contained in each said information item, said priority being one of a plurality of priorities,
ii) transmitting said priority attribute information associated with each said transmitted item, and
iii) using said transmitted priority attribute information at said user terminal to determine said access priority for each said selected item (col. 3, lines 33-56).

13. As to claims 29, 34, 39 and 44, further comprising determining an access tendency of the user from said count values of said plurality of categories and determining said access priorities from said access tendency (col. 4, lines 49-65; col. 7, lines 19-27).

14. Applicant's arguments with respect to claims 25-44 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

16. Applicant's arguments filed 11/10/05 have been fully considered but they are not persuasive. Applicant assert that Bedard neither teaches nor suggests transmitting content-containing items (including at least one of moving images or audio sound) to a user terminal nor of causing at least one of moving images or audio sound to be reproduced from at a time selected by a user of the user terminal and then arranged therein. The examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As noted in paragraph 7 above, Bedard

teaches transmitting content-containing items (including at least one of moving images or audio sound) to a user terminal ("music for the movies", "Waltons"... , Fig. 4; broadcasting; col. 3, lines 4-15; col. 7, lines 8-27). The Examiner admits that Bedard does not specifically teach at least one of moving images or audio sound to be reproduced from at a time selected by a user of the user terminal. Alexander teaches at least one of moving images or audio sound to be reproduced from at a time selected by a user of the user terminal (col. 12, lines 11-43). Alexander further teaches transmitting content-containing items (including at least one of moving images or audio sound) to a user terminal (fig. 10A, 10B; col. 21, lines 15-39, "display of an expanded information box").

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jungwon Chang". The signature is written in a cursive, flowing style.

Jungwon Chang
February 3, 2006